

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 1:20-cr-251
)	
)	
PLAINTIFF,)	JUDGE SARA LIOI
)	
vs.)	
)	ENDS OF JUSTICE ORDER
)	PURSUANT TO THE SPEEDY
DAVID M. SCHADE,)	TRIAL ACT
)	
)	
DEFENDANT.)	

This matter came before the Court upon the unopposed motion of the defendant, David M. Schade, to continue all dates and deadlines in this case. (Doc. No. 18.) The motion is granted and the dates and deadlines in this case are continued pursuant to 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C. §§ 3161(h)(B)(i) and (iv).

As grounds for the continuance, and for the reasons set forth in the motion, the Court finds that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial, because failure to grant such a continuance would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

The Court also finds that the ends of justice are served by the continuance due to the Coronavirus Disease (COVID-19) global pandemic. The President of the United States of America has declared a national emergency and the Governor of the State of Ohio has declared a state of emergency in response to the spread of COVID-19. COVID-19 is a respiratory disease that can result in serious illness or death. In light of this unprecedented public health emergency, the United

States District Court for the Northern District of Ohio issued General Order No. 2020-08-3, which is incorporated herein, as applicable. In part, the General Order provides, as follows:

This Court previously issued General Order No. 2020-05, Amended General Order No. 2020-05-1, and Amended General Order 2020-05-2 In Re: CORONAVIRUS (COVID-19) PUBLIC EMERGENCY. These Orders were in response to the exponential spread of COVID-19 and the declaring of a public emergency by the President of the United States and the Governor of the State of Ohio.

The Centers for Disease Control and Prevention and other public health authorities have continued to advise the taking of precautions to reduce the possibility of exposure to the virus and slow the spread of the disease, including the implementation of multi-phase business recovery plans to gradually resume operations. In response, the Court issued General Order No. 2020-08, Amended General Order No. 2020-08-1 and Amended General Order No. 2020-08-2 In Re: CORONAVIRUS (COVID-19) PHASED-IN RECOVERY PLAN.

Jury trials during the pandemic present unique challenges. The Court recognizes that jury selection in this District involves large jury venire pools. These pools often consist of many individuals in the categories identified by the Centers for Disease Control and Prevention as being particularly at risk, individuals involved in essential public functions, and individuals responsible for children unable to attend school or daycare due to the pandemic. Further, it will be a challenge to provide for jury trials while abiding by necessary precautions to reduce the possibility of exposure to the disease, not only to jurors but to other trial participants as well. Jury trials particularly present a challenge to attorneys who must continuously communicate with clients during the course of a trial.

NOW, THEREFORE, given the present status of the pandemic in the State of Ohio, and in order to continue to protect the health and safety of the public, court personnel, counsel, litigants, jurors, and all other case participants; in order to implement a multi-phase recovery plan to gradually resume court operations; in order to reduce the size of public gatherings necessarily attendant to jury selection and reduce unnecessary travel; and in order to permit effective trial preparation of counsel, the United States District Court for the Northern District of Ohio hereby issues the following Order:

CRIMINAL CASES:

To accommodate trials and the effect of public health recommendations on the trials, the time period of the continuances implemented by the General Order will be excluded under Speedy Trial Act, as the Court specifically finds that the ends of justice served by ordering the continuances outweigh the interest of the public and any defendant's right to a speedy trial pursuant to 18 U.S.C. Section 3161(h)(7)(A). Accordingly,

1. Jury trials will convene under the following conditions: 1) The Judge, Assistant U.S. Attorney, defendant, and defendant's counsel all must consent on the record to the commencement of the jury trial; 2) only one jury trial at a time, civil or criminal, will be conducted in each courthouse, except for the

Carl B. Stokes U.S. Court House, where no more than two jury trials may be conducted at a time; and 3) each jury trial will be scheduled for no more than five trial days. If a participant does not consent, it must be for a COVID related reason and included in the Court's "speedy trial" order pursuant to 18 U.S.C. Section 3161(h)(7)(A). If a participant has a non-COVID related reason, an appropriate motion for continuance must be filed with the Court.

Order No. 2020-08-3 (10/5/2020).

In this case, an appropriate motion has been filed by the defendant. Additionally, given the related guidance provided to minimize the risk of infection, the Court finds that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial for this separate reason.

By agreement of the parties, this ends of justice order and waiver of rights to a speedy trial is effective through March 24, 2021, as may be extended by any period of delay as set forth in or contemplated by 18 U.S.C. § 3161. The time period of the continuance implemented by this order will be excluded under the Speedy Trial Act.

By agreement of the parties, the plea deadline is January 8, 2021, the final pretrial hearing is January 27, 2021 at 1:30 p.m., and the jury trial is February 22, 2021, at 8:00 a.m. on a one-week, standby basis.

IT IS SO ORDERED.

Dated: October 27, 2020



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE